Honorable Sam Rayburn,

Speaker of the House of Representatives.

Dear Mr. Speaker:

There is transmitted herewith a draft of a proposed bill providing a penalty for willful violation of regulations or orders issued by the Secretary of War for the protection or security of war material, war premises, and war utilities.

The proposed legislation supplements the Act, recently passed (Public Law 127, 78th Congress, 1st Session, approved July 9, 1943), which provides a similar penalty for the violation of any regulation or order promulgated or approved by the Secretary of the Navy for the protection of vessels, harbors, ports, or waterfront facilities, for all of which the Secretary of the Navy has responsibility. Enactment of the proposed legislation will give the Secretary of War the same power of enforcement in discharging his wartime responsibility for the protection of war materials, war premises, and war utilities as the Secretary of the Navy has within his field of responsibility.

Public Law 503, 77th Congress, 2nd Session, approved March 21, 1942, provides a penalty for the violation of restrictions or orders of the Secretary of War, or military commanders designated by him, in military areas. This law was enacted in aid of the execution of the authority conferred upon the Secretary of War by Executive Order 9066, signed by the President on February 19, 1942. This Executive Order authorized the Secretary of War, and military commanders designated by him, to prescribe
military areas from which persons might be excluded, and with respect to which the right of any person to enter, remain in, or leave might be subject to appropriate military restrictions.

The immediate purpose for which Public Law 503 was enacted was to put the force of federal statute behind military measures, such as restrictions on travel, curfews, and compulsory evacuation, deemed necessary for the protection of the coastal areas against enemy invasion. In view of the emergency considerations leading to its enactment, it has been suggested from time to time that Public Law 503 should be narrowly construed in such manner as to cover only such regulations as are directed towards facilitating defense against invasion. The War Department does not concur in such limited construction of the Act. But if the courts adopted the narrow construction, the result would be that there would be no remedy in the courts against those who violated regulations issued, not for the purpose of defense against invasion, but to promote the security of plants and facilities vital to the war effort from fire, sabotage, and other hazards. Even if broadly construed, Public Law 503 applies only to those localities which have been declared "military areas". As in the case of the similar measure recently enacted for the Navy, the proposed legislation will constitute a clear expression of congressional intent to insure the protection of war material, war premises, and war utilities, which is a responsibility of the Secretary of War, throughout the country, both within and without present military areas.

Examples of regulations which might be issued under authority of the proposed Act and which would materially assist the War Department in the discharge of its responsibilities, would include provisions for
protection of the individual against industrial accidents, such as requirements for welding helmets for welders on ships, tanks, and similar war material, goggles for grinding wheel operators, and steel cap shoes for handlers of heavy war supplies; provisions for automatic sprinklers and other fire protection devices in chemical plants, plants manufacturing highly combustible war material, and similar vital war production plants; and restrictions upon entrance of persons to war plants and to prohibited areas adjacent to munitions dumps, important dams and water supplies, oil pipeline stations, vital utilities, and other critical war facilities. In some states and municipalities there now exist satisfactory regulations of this nature, but, in general, wartime conditions are such that existing local legislation is not adequate. The creation of a military area pursuant to Executive Order 9066, so that restrictions or orders can be issued by the Secretary of War or the Defense Commander which have the sanction of legislation (Public Law 503) and which can be enforced by civil proceedings, is a cumbersome and inappropriate method of providing measures for protection of individual installations. The law recently enacted for the Navy Department, which the proposed law would supplement, is a practical method of accomplishing this protection.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

Secretary of War

1 Incl.-Draft of Bill.

(Same letter to Honorable Robert R. Reynolds
Chairman, Committee on Military Affairs
United States Senate)